



Talbot County Office of Planning and Permits
215 Bay Street, Suite 2
Easton, Maryland 21601
410-770-8030

Waiver Request

A. Purpose:

The waiver process allows applicants to request relief from strict compliance with certain provisions of the *Talbot County Code*, Chapter 190. The process provides flexibility to address constraints unique to a particular site by authorizing the Planning Director or Planning Commission to waive certain requirements while approving alternative solutions that accomplish the purpose of Chapter 190.

B. Applicability:

A waiver may be granted only to provisions of the *Talbot County Code*, Chapter 190 for which the requirements specifically state that the provision is subject to a waiver application.

C. Procedures:

- (1) Waiver request applications shall be submitted in accordance with *Talbot County Code*, Chapter 190 and accompanied by the required fee. Checks shall be made payable to Talbot County, Maryland.
- (2) A waiver request application shall be submitted at the same time as or during review of the application requiring the waiver. A waiver application may be submitted in conjunction with an application for approval of a site plan, subdivision plan or certificate of use.
- (3) For site plans or subdivision plans that require Technical Advisory Committee (TAC) review, any necessary waiver application must accompany the plan on the TAC agenda.
- (4) The Planning Commission shall make decisions on all waiver applications for major site plans, major subdivision plans and major revision plats unless otherwise defined in the *Talbot County Code*.
- (5) The Planning Director shall make decisions on waiver applications for minor site plans, minor subdivision plans, minor revision plats and certificates of use unless otherwise defined in the Code. The Planning Director may request a recommendation from the Planning Commission on any waiver application.

Applicant's Signature

Date

Office Use Only:

Approved by: _____ Date Approved: _____

Planning Commission: _____ Date Approved: _____

Comments/Conditions: _____



File Number: _____

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Waiver Request Application

Applicant(s) Name: _____ Email: _____

Location of property: _____

Telephone Number: _____ Cell Number: _____ Fax: _____

Tax Map: _____ Grid: _____ Parcel: _____ Lot: _____ Zone: _____

Type of Project: _____

The Planning Commission or Planning Director shall evaluate waiver applications based upon the following criteria:

1. The waiver shall not have the effect of nullifying the intent and purposes of Chapter 190 of *Talbot County Code*:

2. Granting the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property:

3. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property:

4. Because of the particular physical surroundings, shape or natural features of the specific property involved, one of the following findings is made:

a. A particular hardship to the applicant would result, as distinguished from a mere convenience, if the strict letter of these regulations is carried out, or,

b. The purpose of Chapter 190 of the *Talbot County Code* are better accomplished by the alternative proposal made in the waiver application:

5. The waiver complies with any criteria required by the specific section of Chapter 190 of the *Talbot County Code* from which a waiver is requested:

6. **For Lot Size Waiver Request Only:** Zone: _____ State how the waiver will result in a better design for the particular revision or is necessary due to physical constraints of the tract of land:

